

**DEPARTMENT OF HEALTH**  
**NOTICE OF FINAL RULEMAKING**

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The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 ("Act"), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02 (14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 41 of Title 17 of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The purpose of the amendments is to make Chapter 41 § 4123 of Title 17 of the District of Columbia Municipal Regulations, which sets forth the procedural guidelines for the administrative appeal of a decision of an administrative law judge ("ALJ") to the health occupations board responsible for regulating that profession, applicable to persons aggrieved by an order of an ALJ issued pursuant to D.C. Official Code § 2-1831.16(b) as permitted by D.C. Official Code §§ 2-1831.03(i) and D.C. Official Code § 2-1831.16(b).

This rulemaking was published as proposed rulemaking on July 28, 2006 at 53 DCR 6107. No comments were received from the public in connection with this proposed rulemaking. However, in an effort to clarify the intent of the rulemaking, § 4123.1(c) was amended to change "persons" to "any party" to clarify that the government is also entitled to appeal an order to the Board pursuant to D.C. Official Code § 2-1831.16(b)(2001). Therefore, this rulemaking was republished on November 10, 2006 at 53 DCR 9219. No comments were received from the public in connection with this notice.

These final rules will be effective upon publication of this notice in the D.C. Register.

17 DCMR Chapter 41, HEALTH OCCUPATIONS: ADMINISTRATIVE PROCEDURES, is amended as follows:

**Section 4123.1 is amended to read as follows:**

- 4123.1      This section shall apply to appeals from decisions of ALJ's under this chapter by the following persons:
- (a) Persons found by an ALJ to have committed an infraction involving a violation of this subtitle, the Act, or any other act regulating health professionals pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42, D.C. Code § 2-1801.01 (2001);
  - (b) Persons against whom a cease and desist order has been entered pursuant to § 516 of the Act, D.C. Code § 3-1205.16 (2001); and

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- (c) Any party aggrieved by an order of an ALJ issued pursuant to D.C. Official Code § 2-1831.16(b).

**A new section 4123.14 is added to read as follows:**

- 4123.14 A party aggrieved by a final decision of a board may seek review of the decision by the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedure Act, D.C. Code §§ 2-501 to D.C. Official Code § 2-511 (2001).